

1 ORIGINAL



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3 Date: August 1, 2012
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5 To: **Docket Control**
6 **Arizona Corporation Commission**
7 **1200 West Washington St.**
8 **Phoenix, AZ 85007**
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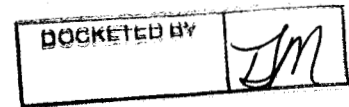
10 From: Robert T. Hardcastle
11 Payson Water Co., Inc.
12 (661) 633-7526
13

14 FOR FILING ORIGINAL AND 13 COPIES INTO:

15
16 **DOCKET NO. W-03514A-12-0007**

17
18 Smith vs. Payson Water Co.
19

Arizona Corporation Commission
DOCKETED
AUG 13 2012



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23 By:

24 Robert T. Hardcastle
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AZ CORP COMMISSION
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BEFORE THE ARIZONA CORPORATION COMMISSION

Robert T. Hardcastle
Payson Water Co., Inc.
P.O. Box 82218
Bakersfield, CA 93380-2218
Representing Itself In Propria Persona

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AZ CORP COMMISSION
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COMMISSIONERS

Gary Pierce, Chairman
Paul Newman, Commissioner
Brenda Burns, Commissioner
Bob Stump, Commissioner
Sandra D. Kennedy, Commissioner

IN THE MATTER OF J. ALAN SMITH)	Docket No. W-03514A-12-0007
COMPLAINANT)	
)	
)	OBJECTION TO APPLICATION
)	OF DENNIS B. TRESKA FOR
VS.)	INTERVENTION INTO THE
)	DOCKET
)	
PAYSON WATER CO., INC.,)	
<u>RESPONDENT</u>)	

On January 10, 2012 Complainant Smith (hereafter "Complainants") filed a Formal Complaint into Docket No. W-03514A-12-0007 based on previously submitted informal complaint number 2011-99889.

On February 2, 2012 Payson Water Co filed an Answer to the Complaint and a Motion to Dismiss.

On February 16, 2012 Complainant filed a Reply to Payson Water Co.'s Answer.

On February 23, 2012 a Procedural Order was issued scheduling a procedural conference for March 9, 2012.

On March 9, 2012 a Procedural Conference was conducted with the Parties.

On March 29, 2012 Payson Water Co. filed a supplemental Motion to Dismiss.

On March 30, 2012 Payson Water Co. filed a Motion to Quash Brooke Utilities, Inc. as a party to the Complaint.

1 On April 3, 2012 Complainant filed a Response and Objection to Respondent's
2 Motion to Quash Brooke Utilities, Inc. as a party to the Complaint.

3 On April 3, 2012 Complainant filed a Response and Objection to Respondent's
4 Motion to Dismiss and Motion to Deny.

5 On April 9, 2012 Payson Water Co. filed a Reply to Complainant's Response to
6 Payson Water Co.'s Motion to Dismiss and Motion to Deny.

7 On April 9, 2012 Payson Water Co. also filed a Reply by Payson Water Co. to
8 Complainant's Response and Objection to Respondent's Motion to Quash Brooke
9 Utilities, Inc. as a Party to the Complaint.

10 On April 13, 2012 Complainant filed a Response and Objection to Respondent's
11 Reply to Complainant's Response to Respondent's Motion to Dismiss and Deny.

12 On April 20, 2012 the Utilities Division of the Arizona Corporation Commission
13 ("Staff") filed a Notice of Filing regarding the status of a subpoena issued to Martin's
14 Trucking.

15 On May 3, 2012 Staff filed a Status of Mediation indicating that a settlement was
16 not reached by the parties and requested a hearing be scheduled.

17 On June 18, 2012 a Procedural Order was issued which set forth the hearing date
18 of August 7, 2012 and the compliance dates and deadlines as it relates to this Docket. In
19 addition, the Procedural Order provided that Payson Water Co. and Staff shall file
20 responsive rejoinder testimony no later than July 30, 2012 (see Procedural Order at page
21 2, lines 19-20).

22 On July 18, 2012 Complainant Smith filed a Notice of Complainant's Initial
23 Discovery and Disclosure.

24 On July 23, 2012 Complainant Smith filed a Notice of Complainant's Second
25 Discovery and Disclosure.

26 On July 30, 2012 Payson Water Co. timely filed its Rejoinder Testimony.

27 On July 30, 2012 the Utilities Division of the Commission's Staff timely filed its
28 Staff Response.

1 On July 30, 2012 Payson Water Co. filed its Supplemental Motion to Quash
2 Brooke Utilities, Inc. as a party to this Complaint.

3 On July 31, 2012 Payson Water Co. filed its Initial Disclosure and Discovery
4 pleading.

5 On August 1, 2012 Payson Water Co. filed its Supplemental Motion to Dismiss the
6 Complaint.

7 On August 2, 2012 Payson Water Co. filed its Initial Notice of Disclosure.

8 On August 6, 2012 Payson Water Co. filed its Supplemental Motion to Dismiss the
9 Complaint.

10 On August 7, 2012 Complainant filed its Motion to Continue Hearing on the
11 Complaint.

12 On August 7, 2012 a Hearing was conducted where various pending Motions were
13 heard, argued, and ruled upon. The Administrative Law Judge ruled that Payson Water
14 Co.'s Motion to Quash Brooke Utilities, Inc. as a Party to the Complaint would be
15 granted subject to the same conditions granted under Docket No. W-03514A-12-008. The
16 Administrative Law Judge also denied Payson Water Co.'s Supplemental Motion to
17 Dismiss. The Administrative Law Judge also granted Complainant's Motion to Continue
18 Hearing on the Complaint for a period not to exceed 90 days. The Administrative Law
19 Judge did not issue a dispositive ruling on Complainant's Motion to Compel compliance
20 with its Subpoena of witness Jim Pearson previously filed in this matter.

21 On August 7, 2012 Complainant filed its Fourth Notice of Discovery and
22 Disclosure.

23 On August 7, 2012 Complainant filed on behalf of prospective intervenor Tresca
24 an Application for Intervention and Motion to Intervene into Docket No. W-03514A-12-
25 0007.

26 On August 7, 2012 Complainant filed its Response and Objection to Respondent's
27 Motion to Dismiss and Motion to Deny.

28 On August 8, 2012 Complainant filed its Notice of Service of Subpoena dated
29 August 2, 2012 on Payson Water Co., Inc.

1 As provided herein Dennis B. Tresca ("Applicant") has filed an application for
2 intervention into this Docket. As has Complainant and his representative Gehring in this
3 Docket and in Docket No. W-03514A-12-0008, Applicant expresses no material facts or
4 circumstances that are not already included into the Docket. Further, at the August 7,
5 2012 Hearing in this matter the Administrative Law Judge took Administrative Notice of
6 all documents included in the record of Docket No. W-03514A-12-0008. Accordingly,
7 acceptance of Applicant's application makes an already complex Docket even more
8 complex and difficult to manage. The inclusion of Applicant's facts stated in the attached
9 Affidavit are not relevant since this Complaint focuses on three points: (1) wrong
10 disconnection, (2) improperly applied water augmentation charges, and (3) improperly
11 calculated water bills. The stated facts to be offered by Applicant are not relevant and do
12 not add additional material facts to those already existing in either Docket.

13 Further, absent any showing of evidence or facts proposed to be offered by
14 Applicant are, at least in part, hearsay and cannot be admitted into the record under this
15 Objection. The Application provides no discussion or reference of material and
16 admissible evidence supporting the contention made in the Application.

17 Accordingly, Payson Water Co. objects to the acceptance of Applicant as an
18 Intervenor into this Docket and respectfully requests that the Commission and the
19 Administrative Law Judge deny Applicant's application for intervention.

20 RESPECTFULLY SUBMITTED this 8th day August 2012.

21 Payson Water Co., Inc.

22
23 By: 

24 Robert T. Hardcastle
25 *In Propria Persona*
26

27 ORIGINAL and 13 copies filed
28 this 8th day August 2012, with:
29

30 **Docket Control**
31 **Arizona Corporation Commission**

1 **1200 West Washington St.**
2 **Phoenix, AZ 85007**

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4 And copies mailed to the following:

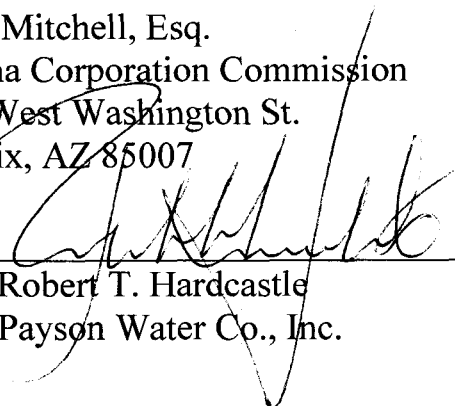
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6 Dwight Nodes, Administrative Law Judge
7 HEARING DIVISION
8 Arizona Corporation Commission
9 1200 West Washington St.
10 Phoenix, AZ 85007

11
12 J. Alan Smith
13 8166 Barranca
14 Payson, AZ 85541

15
16 Janice Alward, Chief Counsel
17 Legal Division
18 Arizona Corporation Commission
19 1200 West Washington St.
20 Phoenix, AZ 85007

21
22 Steve Olea
23 Utilities Division
24 Arizona Corporation Commission
25 1200 West Washington St.
26 Phoenix, AZ 85007

27
28 Robin Mitchell, Esq.
29 Arizona Corporation Commission
30 1200 West Washington St.
31 Phoenix, AZ 85007

32
33 By: 
34 Robert T. Hardcastle
35 Payson Water Co., Inc.

36
37 **END**